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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1072 OF 2004

Shri Govalia Tank Jain Sangh ....Petitioner
V/s.
Shri Anilkumar Roopkumar Bose ....Respondent

Ms. Smita Mane with Mr.P.B.Shah for the Petitioner

CORAM : B.H.MARLAPALLE,J.
DATED : 3rd December, 2007

P.C.

Heard Mrs.Smita Mane, the Learned Counsel for the Petitioner which is a public charity trust and it is aggrieved by the judgement and order dated 12-2-1999 rendered by the Learned Judge of the Labour Court thereby allowing Comp(ULP)No.131/1990 and confirmed by the Learned Member of the Industrial Court by dismissing Revision Application (ULP)No.98/1999 as per the judgement and order dated 11-2-2000. At the first instance, it must be held that petition has been filed belated almost by 3 and half years and it has been pending for admission for last about 3 years.

2. The Learned Judge of the Labour Court held that disciplinary proceedings were initiated under the signature of one Shri Bhogilal Shah who was working with the applicant first and he acted as such on the basis of power of attorney and, therefore, he was not the

employer within the meaning of MRTU & PULP Act, 1971. Secondly, the chargesheet issued to the employee - the original Complainant was not sent to him but it was sent to his Advocate. Thirdly, the order of dismissal was also sent on the address of the employer. It was also noted that the residential accomodation provided to the Complainant in Aradhna Building was infact by way of condition of service. These findings have been confirmed by the Learned Member of the Industrial Court while dismissing the Revision Application filed by the trust.

3. I have heard Ms.Smita Mane, perused the reasoning set out by the Learned Judge of the Labour Court and I do not find any case for causing interference in concurrent findings recorded by both the Courts and more so when the chargesheet was dated 21-6-1985, it means more than 22 years period has lapsed. The reasoning set out by the Learned Judge of the Labour Court can neither be termed as perverse nor patently erroneous so as to call for intereference under Article 227 of the Constitution.

4. Hence, the petition is rejected summarily.

[B.H.MARLAPALLE,J.]